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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,290

04/14/2004

C. Todd Praisner

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03/17/2009

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EXAMINER

SHAIKH, MOHAMMAD Z

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,290

Applicant(s)

PRAISNER, C. TODD

Examiner

MOHAMMAD Z. SHAIKH

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to and AMENDMENT entered on 12/18/08 for patent application 10,824,290.

Status of Claims

2. Claims 1-6 are pending in this application.

Claim Rejections- 35 U.S.C § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are being rejected under 35 U.S.C 102(b) as being anticipated by US 2002/0103752 to Berger et al herein Berger.

Regarding claim 1, Berger discloses a method for pushing credit payments as buyer initiated transactions, comprising: determining payment instructions for an accounts payable, the accounts payable representing a purchase made by a buyer from a merchant ([0004]); communicating electronically the payment instructions from the buyer to an acquirer, the acquirer being an entity that buys credit card receipts from merchants ([0025]); generating a transaction based upon the payment instructions without the transaction being initiated by the merchant, the transaction representing the buyer initiated payment; and settling the transaction ([0046]).

Regarding claim 2, Berger discloses the method of claim 1, further comprising utilizing merchant profiles to determine whether payment instructions should include a

credit payment or a debit payment, wherein the generating of the transaction takes place where the payment instructions include a credit payment and wherein a separate step is used of electronically transferring funds from the buyer to the acquirer where the payment instructions include a debit payment ([0008], [0046]).

Regarding claim 3, Berger discloses a system for pushing credit payments as buyer initiated transactions, comprising: a purchasing management system associated with a buyer, the buyer having an accounts payable ([0006]); an acquirer computer system configured to receive electronically payment instructions from the purchasing management system, the computer system being associated with an entity that buys credit card receipts from merchants ([0025]); wherein the acquirer computer system is further configured to generate a transaction based upon the payment instructions without the transaction being initiated by a merchant, the credit transaction representing the buyer initiated payment; and wherein the acquirer computer system is further configured to settle the transaction ([0046]).

Claim 4 is being rejected using the same rationale as claim 2.

Claim 5 is being rejected using the same rationale as claim 1.

Claim 6 is being rejected using the same rationale as claim 2.

RESPONSE TO REMARKS

Applicant's arguments with respect to amended claims 1,9,12,15,18,20 have been fully considered but are not persuasive.

On page 2, applicant argues that Wang (US Patent 6,618,705) does not teach "an acquirer being an entity that buys credit card receipts from the merchants" However US 2002/0103752 to Berger et al, teaches this limitation ([0025]).

CONCLUSION

Applicant's amendment necessitate the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MOHAMMAD Z. SHAIKH** whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (7:30-5); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Z. S./
Examiner, Art Unit 3696
3/13/2009

Mohammad Z Shaikh
Examiner
Art Unit 3696

/Daniel S Felten/

Primary Examiner, Art Unit 3696